

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELIZABETH ROSE WENZLER,
Plaintiff,
v.
CIVIL SHERIFF'S BUREAU, et al.,
Defendants.

No. 2:24-cv-02561-DAD-CKD (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION FOR FAILURE TO
PROSECUTE

(Doc. Nos. 8, 9, 10)

Plaintiff Elizabeth Rose Wenzler is proceeding *pro se* in this civil action filed September 23, 2024. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 11, 2025, the assigned magistrate judge dismissed plaintiff's complaint with leave to amend within 30 days. (Doc. No. 6 at 3.) Plaintiff was warned that failure to respond would result in a recommendation that this action be dismissed. (*Id.* at 4.) On April 18, 2025, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed for failure to state a claim and failure to prosecute because plaintiff failed to file an amended complaint within the time allotted. (Doc. No. 8 at 1–2.) The findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 2.)

1 On June 30, 2025, plaintiff filed what appeared to be a request to dismiss defendant
2 Sacramento Police Department. (Doc. No. 9.) On July 25, 2025, plaintiff filed what appeared to
3 be a notice of voluntary dismissal of defendant Sacramento Police Department. (Doc. No. 10.)
4 Neither filing contained objections to the findings and recommendations. To date, no objections
5 to the findings and recommendations have been filed, and the time in which to do so has now
6 passed. The court also considered the possibility that plaintiff may have thought that her June 30
7 and July 25 filings were an adequate response to the deficiencies outlined by the magistrate judge
8 in the order dismissing plaintiff's original complaint. However, upon further scrutiny it became
9 clear that plaintiff sought to dismiss defendant Sacramento Police Department for independent
10 reasons and not in an attempt to address the pleading deficiencies noted by the magistrate judge in
11 the dismissal order. (*See* Doc. No. 10 at 1–2.)

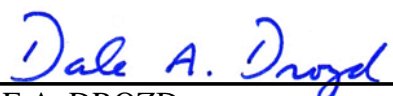
12 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
13 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
14 findings and recommendations are supported by the record and by proper analysis.

15 Accordingly:

- 16 1. The findings and recommendations issued on April 18, 2025 (Doc. No. 8) are
17 ADOPTED IN FULL;
- 18 2. Plaintiff's request to dismiss defendant Sacramento Police Department (Doc. No.
19 9) and plaintiff's notice of voluntary dismissal of defendant Sacramento Police
20 Department (Doc. No. 10) are hereby DENIED as having been rendered moot by
21 this order;
- 22 3. This action is DISMISSED in its entirety without prejudice due to plaintiff's
23 failure to prosecute; and
- 24 4. The Clerk of the Court is directed to CLOSE this case.

25 IT IS SO ORDERED.

26 Dated: July 31, 2025

27 
28 DALE A. DROZD
UNITED STATES DISTRICT JUDGE